

# Order

**Michigan Supreme Court  
Lansing, Michigan**

June 21, 2017

Stephen J. Markman,  
Chief Justice

ADM File No. 2015-20

Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Joan L. Larsen  
Kurtis T. Wilder,  
Justices

Proposed Amendment of  
Rules 8.110 and 8.111 of the  
Michigan Court Rules

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On order of the Court, this is to advise that the Court is considering an amendment of Rules 8.110 and 8.111 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for public hearings are posted at [Administrative Matters & Court Rules page](#).

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

Rule 8.110 Chief Judge Rule

(A)-(B) [Unchanged.]

(C) Duties and Powers of Chief Judge.

(1)-(3) [Unchanged.]

(4) If a judge does not timely dispose of his or her assigned judicial work, or fails or refuses to comply with an order or directive from the chief judge made under this rule, or otherwise acts in a way that raises questions regarding the propriety of the judge's continued service, the chief judge shall report the facts to the state court administrator who will, under the Supreme Court's discretion, initiate whatever corrective action is necessary, which may include relieving the judge from presiding over some or all of the judge's docket. If the basis for this report is a good faith doubt as to the judge's fitness, the chief judge may, with the approval of the state court

administrator, order the judge to submit to an independent medical examination.

(5)-(7) [Unchanged.]

(D) [Unchanged.]

#### Rule 8.111 Assignment of Cases

(A)-(B) [Unchanged.]

(C) Reassignment.

(1)(a) If a judge is disqualified or for other good cause cannot undertake an assigned case, the chief judge may reassign it to another judge by a written order stating the reason.

(b) If a judge is relieved from presiding over some or all of the judge's docket under MCR 8.110(C)(4), the chief judge shall reassign the judge's caseload to another judge or judges by a written order.

For cases reassigned under this subrule, To the extent feasible, the alternate judge or judges should be selected by lot. The chief judge shall file the order with the trial court clerk and have the clerk notify the attorneys of record. The chief judge may also designate a judge to act temporarily until a case is reassigned or during a temporary absence of a judge to whom a case has been assigned.

(2) [Unchanged.]

(D) [Unchanged.]

*Staff Comment:* The proposed amendments would explicitly provide that corrective action may be taken by the State Court Administrator, under the Supreme Court's direction, against a judge whose actions raise the question of the propriety of the judge's continued service. Such corrective action may include relieving a judge of the judge's caseload, and reassigning such cases to another judge or judges. The proposed amendments also would provide explicit authority for a chief judge (with approval from the state court administrator) to order a judge to submit to an independent medical examination if there is a good faith doubt as to the judge's fitness that prompted the chief judge's report.

The staff comment is not an authoritative construction by the Court. In addition, adoption of an amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be sent to the Supreme Court Clerk in writing or electronically by October 1, 2017, at P.O. Box 30052, Lansing, MI 48909, or [ADMcomment@courts.mi.gov](mailto:ADMcomment@courts.mi.gov). When filing a comment, please refer to ADM File No. 2015-20. Your comments and the comments of others will be posted under the chapter affected by this proposal at [Proposed & Recently Adopted Orders on Admin Matters page](#).



cah

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 21, 2017

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk